

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 612 - HB 707**

March 31, 2009

**SUMMARY OF BILL:** Creates a new Class E felony offense for assault on a bus operator while the bus operator is on duty and at a time when the bus is occupied by one or more persons. An aggravated assault on a bus operator while the bus operator is on duty and at a time when the bus is occupied by one or more persons is a Class D felony.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$17,800/Incarceration\***

Assumptions:

- Under current law assault is a Class B or A misdemeanor and aggravated assault is a Class C or D felony. No additional incarceration cost for aggravated assault on a bus operator as a result of this bill. The Department of Correction (DOC) estimates that one offender every two years will be convicted of a Class E felony of assault on a bus operator.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80 and the average post-conviction time served for a Class E felony is 1.63 years. The annualized time served per Class E conviction is 297.23 (0.50 annual number of convictions x 594.45 days). The annualized cost per conviction is \$17,774.35 (\$59.80 x 297.23).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- Any impact on caseloads in state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

/lsc